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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/285,550	04/02/99	POISSON	M 10360/023001

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EXAMINER

NAJJAR, S

ART UNIT

PAPER NUMBER

2154

DATE MAILED:

11/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

T.R.

# Office Action Summary

Application No.

09/285,550

Applicant(s)

POISSON ET AL.

Examiner

Saleh Najjar

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 April 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to the application filed on April 2, 1999. Claims 1-20 are presented for examination. Claims 1-20 represent method, and program product directed toward reducing convergence time by monitoring a virtual private network.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shrader, U.S. Patent No. 5,864,666.

Shrader teaches the invention as claimed including a WEB based administration of IP tunneling on Internet fire walls (see abstract).

As to claim 1, Shrader teaches a method of managing a virtual private network, the method comprising:

receiving information describing at least one virtual private network attribute from multiple computers providing at least one virtual private network function (see figs. 1-7; col. 4-6, Shrader teaches that a user interface is used to query and administer IP tunnels);

preparing a report by organizing the received information into a table that lists

each of the multiple computers and the corresponding virtual private network attribute received from each of the multiple computers; and displaying the prepared report to the user (see col. 5-8, Shrader teaches that a tunnel definition page is prepared in response to the querying function performed by the user interface).

As to claim 2, Shrader teaches the method of claim 1 above, further comprising: transmitting a request for the information (see col. 5-8, Shrader teaches querying the nodes on the network for tunnel definitions).

As to claim 3, Shrader teaches the method of claim 1 above, wherein the virtual private network function comprises providing at least one tunnel (see col. 6, lines 50-65, Shrader teaches that a number of tunnels are provided).

As to claim 4, Shrader teaches the method of claim 1 above, wherein the virtual private network function comprises authentication (see col. 9).

As to claim 5, Shrader teaches the method of claim 1 above, wherein the attribute comprises at least one tunneling characteristic (see col. 9-10, Shrader teaches that tunnel definitions are provided that characterize tunnels).

As to claim 6, Shrader teaches the method of claim 5 above, wherein the tunneling characteristic comprises the tunnel capacity of the computer (see col. 6, lines 50-65, Shrader teaches that the number of tunnels provided are defined between the source and destination addresses).

As to claim 7, Shrader teaches the method of claim 5 above, wherein the tunneling characteristic comprises a number of users using a tunnel provided by a computer (see col. 6).

As to claim 8, Shrader teaches the method of claim 5 above, wherein the tunneling characteristic comprises a tunneling protocol (see col. 5-9).

As to claim 9, Shrader teaches the method of claim 1 above, further comprising receiving a time interval, and wherein the preparing a report comprises preparing a report based on the received time interval (see col. 5-8).

Claims 10-20 do not teach or define any new limitation above claims 1-9 and

therefore are rejected for similar reasons.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Method for constructing a VPN having an assured bandwidth by Maeshima et al., U.S. Patent No. 6,092,113.
- Key management for network communication by Levesque et al., U.S. Patent No. 5,825,891.
- Method and apparatus for configuring a virtual private network by Arrow et al., U.S. Patent No. 6,226,751.
- VLAN control system and method by Tanimoto et al., U.S. Patent No. 6,075,776.
- System and method for automatically setting VLAN configuration information by Lijima et al., U.S. Patent No. 6,223,218.
- Multiple VLAN architecture system by McCloghrie et al., U.S. Patent No. 6,219,699.
- Multicast domain virtual local area network by Barkai et al., U.S. Patent No. 6,188,691.
- Apparatus and method for assigning virtual LANs to a switched network by Berlovitch et al., U.S. Patent No. 6,061,334.
- Virtual network architecture for connection less LAN backbone by Hart et al., U.S. Patent No. 6,041,166.
- Method and apparatus for managing a virtual private network U.S. Patent No. 6,079,020.
- Internet protocol virtual private network realization using multi-protocol label switching tunnels by Casey et al., U.S. Patent No. 6,205,488.
- Simultaneous configuration and monitoring of a computer network by Harsham et al., U.S. Patent No. 6,041,347.
- Monitoring and manipulating the flow of private information on public networks

by Estberg et al., U.S. Patent No. 6,148,337.

- Tracking configuration changes in network of computers by Steele et. al., U.S. Patent No. 6,282,175.
- Monitoring and management of telecommunication equipment by Pullen et al., U.S. Patent No. 6,286,050.
- Virtual LAN system by Yuasa et al., U.S. Patent No. 6,085,238.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AN MENG AI, can be reached on (703) 305-9678. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.



Saleh Najjar  
Examiner Art Unit 2154